



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/899,711

07/05/2001

Dana Corbo

356543-3

4051

26379

7590

06/19/2008

DLA PIPER US LLP

2000 UNIVERSITY AVENUE

E. PALO ALTO, CA 94303-2248

EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/899,711	Applicant(s) CORBO, DANA	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the issues noted on the attached Notice of Draftsperson's Patent Drawing Review. **Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.** Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted

Art Unit: 3714

by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. This figure is described in the specification as prior art. It should also be noted that the figure is ***not*** a screen shot of the DBS Java program v1.76 as described in the specification. The correct drawing must be provided.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-8, 10-13, 21-24 & 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US Patent Number 6,741,980).

Claims 1, 6, 11, 22, 27: Langseth provides sporting event odds and information for sports books in substantially real time using the Internet. The program is incapable of placing bets. Langseth teaches downloading and storing to a user's computer information about occurrences in connection with odds. (Col 8, 65) Langseth teaches analyzing the information and alerting the user when a predetermined occurrence takes place in connection with the odds (Col 8, 65-67). Langseth essentially teaches a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book enabling the user to get the information needed automatically. Langseth teaches sending alerts concerning odds. Langseth teaches notifying a user when a stock price reaches a certain level. (Fig 9) Langseth is therefore inherently capable of sending

the same type of notice in respect to odds. Langseth teaches sending notice with respect to bets (Col 8, 65). This means that the system has a means for logging & tracking bets. Clearly, Langseth provides a means for display of this information & there is a means for navigating the display in order to acquire information. This navigation means is a menu (Fig 14), but the format of the menu is not explicitly disclosed. Menu design is a matter of design choice that is well within the level of ordinary skill. Thus it would be a matter of obvious design choice to have a menu made up of various menus made up of various buttons equipped with pull down menus and, for any particular game or bet, the program is capable of visually cycling through odds from different sports books.

Langseth uses both web browsers and non-web browsers (i.e., on pda's, cell phones, etc.) as the user interface. Use of purpose built programs as a user interface is **notoriously** well known in the art. Use of purpose built programs allows the author of the program to control the look and feel (i.e., usability and design features) of the user interface. To the extent that Langseth does not teach using a custom-built interface on a personal computer, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Langseth to use a non-web browser user interface in order to have greater control over the look and feel and usability of the user interface.

Claims 2, 23: Langseth offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book.

Claims 3, 24: Langseth provides a Line Move Feature that provides notification when the odds offered by a sports book change by a predetermined amount within a predetermined amount of time. Langseth teaches that the user may set the notices to be

Art Unit: 3714

triggered by any desired occurrence. This would include notification when the odds offered by a sports book change by a predetermined amount within a predetermined amount of time.

Claims 5, 10, 21, 26, 29: Langseth discloses that the program is written in C++. (Col 14, 12)

Claim 7: Langseth teaches providing notices concerning bets. (Col 8, 65) Clearly Langseth allows the user to enter a bet and bet amount and provides a means for determining whether the bet was won or lost.

Claim 8: Langseth calculates and logs winnings and losses on the stock market. (Figs 11-13) Obviously, Langseth has the capability to do the same with other wagers.

Claim 12: Langseth allows the user to customize which data is displayed -- this would include data on casinos. The format in which this data is displayed (i.e., in a column) is a matter of design choice for the interface designer.

Claim 13: The inclusion of horizontal and vertical scrolling bars is a matter of design choice.

Claims 28: Fig 14 shows a menu made up of various buttons. These buttons may be equipped with pull down menus if the interface designer so chooses.

6. Claims 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Claim 14: Don Best Sports and Brenner teach the invention substantially as claimed, but do not specifically teach a feature that turns a page every five seconds. The Human Factors Design Guide (page 8-46) states, "if automatically changing data must be read

reliably and accurately, the rate of update should not be more than once per second.” It would have been obvious to one of ordinary skill in the art at the time of the invention to have turned the page every five seconds in order to allow the information to be read reliably and accurately.

Claims 15 & 18: Don Best Sports and Brenner teach the invention substantially as claimed but do not specifically teach using a color-coded display. The Human Factors Design Guide (page 8-50) states that color-coding (including highlighting) should be used to direct a user’s attention to something. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used color-coding or highlighting to direct the user’s attention to the display of odds.

Claim 16: Don Best Sports & Brenner teaches the invention substantially as claimed but do not specifically teach moving the casino column by the click and drag method. The Human Factors Design Guide (page 8-62) teaches the click and drag method of moving windows. This allows the user to take advantage of the pointing device (mouse) to move the window. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the click and drag method to move the casino columns in order to allow the user to take advantage of the pointing hardware.

Claims 17 & 19: Don Best Sports and Brenner teach the invention substantially as claimed but do not specifically teach resizing the casino columns to a custom setting. The Human Factors Design Guide (page 8-62) teaches allowing the user to resize windows. This allows the user to make the window the size the user prefers – including abbreviating the window to allow more windows to be displayed (i.e., more columns per

page). It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed the user to resize the casino columns (including abbreviating the column to allow more columns to be displayed per page), so that the user can make the windows suit the user's preferences.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant has submitted a declaration concerning the timing of the release of Applicant's two programs. While this Declaration was completely unsupported by evidence, Examiner has decided to give Applicant the benefit of the doubt. Therefore Examiner has decided not to use Don Best Sports 2K in this rejection. Examiner notes that the current application was filed some 11 months after Applicant claims to have reduced DBS2K to practice. While this may bring into question Applicant's diligence, the Examiner need not address this issue at this time. \

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714